

Bountiful City
Administrative Committee Minutes
January 19, 2009
5:00 P.M.

Present: Planning Director Aric Jensen, Assistant City Engineer Lloyd Cheney, Committee Member John “Marc” Knight, Assistant Planner Doug Howard, and Recording Secretary Cindy Gruendell.

1. Chairman Aric Jensen opened the meeting at 5:00 p.m. and introduced everyone present.
2. Approval of minutes for January 5, 2009.

Mr. Cheney made a motion to approve the minutes for January 5, 2009 as written. Mr. Knight seconded the motion. Voting was unanimous in favor.

3. **Public Hearing** – Consider granting a Conditional Use Permit for a Home Occupation Business for a plumbing contractor at 467 East Millcreek Way, applicant Gary Damm, Alpine Bathtub Liners, Inc.

The applicant, Gary Damm was present. Doug Howard presented the staff report.

Mr. Damm’s home is located in an R-4 zone area, which is a single family residential zone. He custom fits liners for bathtubs. For the last eleven (11) years (1997-2008), his business was located at 3221 South Highway 89, Bountiful, Utah. He closed down that location and wants to run the business out of his home. From about 1985 through 1997 he had a business license at his home. He doesn’t have any employees. He will be using the home for his paperwork only. He has a storage shed in North Salt Lake. He uses a van for his business.

The staff recommends to the Administrative Committee that they grant Gary Damm a Conditional Use Permit for a Home Occupation Business License under the following conditions.

1. The applicant complies with Bountiful City Code as it pertains to the Conditional Use Permit (14-2-506 DETERMINATION).
2. The applicant complies with the Requirements for a Home Occupation Business License (14-17-105 HOME OCCUPATION REQUIREMENTS).

3. The applicant complies with any conditions set forth by the Administrative Committee.

The public hearing was opened for comments:

Louise Davis, 577 East Millcreek Way: She has concerns about the property being changed and indicated that in the past there have been bathtub liners left in the driveway and garage. She is concerned about the amount of home businesses on this street and how it will impact the neighborhood regarding property values and future zoning. She is concerned that the area might be rezoned commercial because of the amount of home businesses in the area.

The Committee explained that the objective of a home based business is to be transparent to others and that the possibility that this area would be rezoned Commercial is almost none.

The public hearing was closed.

The Committee did not have any other comments or discussion.

Mr. Cheney made a motion to approve the Conditional Use Permit for a Home Occupation Business for a plumbing contractor at 467 East Millcreek Way for Gary Damm, Alpine Bathtub Liners, Inc. with the conditions in the staff report. Mr. Knight seconded the motion. Voting was unanimous in favor.

4. **Public Hearing** – Consider granting a Conditional Use Permit for use of a Private Power Plant, (Solar Panels) at 334 Park View Circle, applicant Rob Hunter.

The applicant Rob Hunter was present. Doug Howard presented the staff report.

Mr. Hunter applied for a building permit on October 16, 2008. As soon as he found out he needed a Conditional Use Permit, he stopped everything and applied. He has not hooked into the City grid yet. He has 16 panels that are 66 inches by 33 inches each, so installed up they are roughly 11 feet by 22 Feet.

Bountiful Land Use Ordinance: 14-14-126 PRIVATE POWER PLANTS

- A. A "Private Power Plant" is any device or combination of devices not owned and operated by a regulated utility company, which convert mechanical or chemical energy into electricity. A private power plant with a peak power generation capacity of 10 Watts/12v/500mAmp (or equivalent) is exempt from the provisions of this Section. A private power plant, including a windmill or wind turbine, shall not be permitted within Bountiful City limits, with the following exceptions:
 2. A photovoltaic cell array or other passive solar energy system located in accordance with the requirements for occupied structures for the zone in which it is located.

- B. With the exception of a back-up power generator, no private power plant may be installed or used on any property unless a conditional use permit has been issued for the specific power generation device.

14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:
 - 1. The location of the proposed use shall not be detrimental to the general well-being of the community and the neighborhood.
 - 2. The proposed use and/or accompanying improvements shall not inordinately impact schools, utilities and streets, and shall stress the following criteria; Appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses.
 - 3. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

After researching this proposal, staff finds that Rob Hunter's project will not negatively impact schools, utilities or streets in the area. Staff also finds that the solar panels will not disrupt the harmony of the area and are not detrimental to the general well-being of the community and the neighborhood.

The staff recommends to the Administrative Committee that they grant the Conditional Use Permit for the use of solar panels at home located at 334 Park View Circle, under the following conditions.

- 1. The applicant complies with Bountiful City Code as it pertains to the use of a private power plant.
- 2. The applicant complies with any conditions set forth by the Administrative Committee.
- 3. The applicant is to have the proper City inspections prior to hooking up to the City grid.
- 4. The proposed approval is only for the amount of panels specified by the Committee.

Mr. Jensen explained that the planning department did an informal study on the reflection of the panels on the roof and determined that none of the neighbors would be affected by the reflection of the sun off of the solar panels.

The public hearing was opened and closed with any comments.

Mr. Hunter explained that he would like to do reverse or net metering as soon as it

becomes available through the Bountiful City Power Department.

Mr. Knight made a motion to approve the Conditional Use Permit for use of a Private Power Plant, (Solar Panels) at 334 Park View Circle, Rob Hunter for 16 panels, 66'' x 33'' wide, in the current formation of approximately 11' x 22' and with the conditions outlined in the staff report. Voting was unanimous in favor.

5. Approval of a Conditional Use Permit letter for a Preschool to have up to 12 children at 198 East 2200 South, Applicant Alby Jackson, Bird House Preschool.

Mr. Jensen made a motion to approve the letter as drafted. Mr. Cheney seconded the motion. Voting was unanimous in favor.

6. Approval of a Conditional Use Permit letter for an Accessory-in-Law Apartment at 122 South 425 West, Applicant Bryan Flanders.

Mr. Jensen asked to strike the sentence "This permit does run with the land and is automatically validated by the sale or transfer of this property" as it not part of the City Code. The Committee agreed.

Mr. Jensen made a motion to approve the letter with the correction. Mr. Cheney seconded the motion. Voting was unanimous in favor.

There were no other items and the meeting adjourned at 5:16 p.m.